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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,571	01/27/2004	Alain Gauthier	713-1029	9023

22429 7590 01/25/2005

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EXAMINER

REESE, DAVID C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,571

Applicant(s)

GAUTHIER, ALAIN

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

- [1]** Claims 1-3 are pending.

Specification

- [2]** The disclosure is objected to because of the following informalities:

The statement from the abstract, "Figure for the abstract: single figure" should be removed, since it discloses nothing further regarding the claimed invention.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Appropriate correction is required.

Art Unit: 3677

[3] The disclosure is objected to because of the following informalities:

The specification should have different headings for each of the stated segments. For example, "Background of invention", and "Description of invention" and so forth should be used with their corresponding statements to help distinguish one part to the next.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

[4] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[5] Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by West et al., US 6,354, 779.

West et al. teaches of a self-drilling anchor bolt.

Art Unit: 3677

As for Claim 1, West et al. teaches of a self-drilling anchor bolt comprising a roughly cylindrical body (222 in Fig. 7B) with a drilling portion (below 204 in Fig. 7B) provided, at its free end, with drilling teeth (three teeth below 204 in Fig. 7B), at the other end of the body, a bearing flange (212 in Fig. 7B) and an external screw thread (threads between 222 in Fig. 7B) wound around the body (222 in Fig. 7B) in one direction, the drilling portion (below 204 in Fig. 7B) being configured as a portion of a drill bit, characterized in that the drill bit portion (below 204 in Fig. 7B) has two helical flute (204 on the right, and the other on the upper left in Fig. 7B **which can be considered, structurally, helical flutes**) in the same direction as the external screw thread (between 222 in Fig. 7B) which open each onto a flat surface (below 204 on the right, and the other on the left in Fig. 7B) forming the wall of a central drilling tooth (central tooth as found between the three lower teeth below 204 in Fig. 7B, **which can be considered, structurally, a drilling tooth**) and of one (left and right teeth beside the central tooth below 204 in Fig. 7B) of two lateral drilling teeth, which is formed in a drill bit rib (214 in Fig. 7B, and 204 in Fig. 7A) bordering the said flute (204 on the right, and the other on the upper left in Fig. 7B) on the downstream side.

As for Claim 3, Re: Claim 1, West et al. teaches of a self-drilling anchor bolt in which the screw anchor body is hollow and pierced with a bore (114 in Fig. 3).

Claim Rejections - 35 USC § 103

[6] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[7] Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al., US 6,354, 779 in view of Carlson et al. US-4,157,674.

West et al. teaches of the above claims.

However, West et al. fails to disclose expressly that the self-drilling anchor possesses a threaded shank portion that extends beyond its flange.

Carlson teaches of a collar stud that comprises of a threaded shank, a flange, and a threaded shank portion that extends beyond its flange.

At the time of invention, it would have been obvious to one of ordinary skill in the art to modify the self-drilling anchor as taught by West et al., to incorporate a threaded shank portion to be extended beyond its flange as taught by Carlson et al., in order to as Carlson states in part 1 line 17, **“a second thread adapted to threadingly engage a nut or other threaded member...”**

Thus, as for Claim 2, Re: Claim 1, West et al. discloses a self-drilling anchor bolt in which a threaded shank portion (West et al. in view of the threaded shank portion, (10 in Carlson et al.), substituting this segment to the area

Art Unit: 3677

extending from the body (222) and beyond the flange (212) of West et al.)

extends the screw anchor body (222 in Fig. 7B of West et al.) beyond the bearing flange (212 in Fig. 7B of West et al.).

Conclusion

[8] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of screw anchor and/or drill bit; as well as their extreme relevance to the current application: Gauthier et al., 6,079,921; Thomas et al., 5,413,444; Greene, 4,529,341; Hinch, 5,980,169; Croydon, 4,330,229; Leppelmeier, 6,312,432; McSherry, 5,752,792; McSherry et al., 5,529,449; Chaconas et al., 4,968,193; Hiyama, 4,963,059; Weaver et al., 6,309,159; Dicke, 6,402,448; Mackey, Sr., 3,592,555.

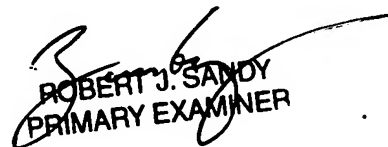
[9] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is 703-305-4805. The examiner can normally be reached on 7:30 am - 5:00 pm M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,
David Reese
Examiner
Art Unit 3677


ROBERT J. SANDY
PRIMARY EXAMINER